REMARKS

Applicant has distinguished Brown by narrowing the three new independent claims 15, 18, 21.

Fig. 2 clearly shows the light pattern visible from the left and right sides of the bike through the spokes. Fig. 3 shows the light pattern on the ground.

The pattern shown in Fig. 3 is shown in motion at www.supernovabikelight.com and a comparison to Brown is shown on the enclosed CD. The Examiner is invited to try the enclosed sample light as well.

The weakness of Brown's invention is described in attached expert report entitled "*In the Dark: Seeing Bikes at Night*", at p. 16 paragraphs two through four. The human mind needs as many light signals as it can get for creating an accurate night vision. This science is still not understood.

In summary Brown's cycloid motion results in as great as a 25 percent overestimation of speed for some observers.

Even the "*In the Dark, DeValois et al.*" report at its conclusion in 2002 does not suggest the elements as presently claimed in the present invention.

By adding a periodic flash on the ground as well as on the cyclist's body and bike, an observer has far more visual inputs to help him estimate speed, not to mention to differentiate the bicycle from ambient lights! Seeing the bike reduces the risk of hitting the bike.

The Examiner can see this giant step for mankind's safety on a bicycle at night by viewing the enclosed CD labeled "*Excerpts from Bike Smarter™ Bicycle Safety Program.*" The Examiner is also invited to view more live video at www.supernovabikelight.com .

The speaker on the CD displays the Brown invention, wherein it is defined as a novelty light. It produces only a cycloid pattern from the side. The present invention, as claimed, still must create the cycloid pattern as described in "*In the Dark, DeValois et al.*" but additionally a periodic light pattern is created on the ground and on the bike and bicyclist by necessity as the wheel turns.

Even the experts in "*In the Dark, DeValois et al.*" could not come up with this solution in 2002! This lack of inventive suggestions in 2002 provides prima facie evidence of non-obviousness!

LAW OF ANTICIPATION

Section 102 (e) provides:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent....

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference. See: Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir. 1987), Structural Rubber Prods. CO. v. Park Rubber Co., 749 F.2d 707, 715, 223 USPQ 1264, 1270, (Fed. Cir. 1984), Connell, 722 F.2d at 1548, 220 USPQ at 198; Kalman v. Kimberly-Clark Corp., 713 F2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026, 104 S. Ct. 1284, 79 L. Ed.2d 687 (1984).

LAW OF OBVIOUSNESS

It is well known that most inventions are composed of elements that *per se* are old and well known. That however, does not make an invention "obvious" under 35 U.S.C. 103. The Examiner's attention is respectfully drawn to *KSR International Co. v. Teleflex Inc.,* 127 S. Ct. 1727 (2007).

> When a work is available in one field, design incentives and other market forces can prompt variations of it, either in the same field or in another. If a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so, §103 likely bars its patentability. A court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. ...But it need not seek out precise teachings directed to the challenged claim's specific matter, for a court can consider the inferences and creative step a person of ordinary skill in the art would employ.

...When there is a design need or market pressure to solve a problem and there are a finite number of identified predictable solutions, a person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

Rick Martin

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Rick Martin
Reg. No. 32,267
Patent Law Offices of Rick Martin, P.C.
P.O. Box 1839
Longmont, CO 80502
(303) 651-2177